

Mr. CHAMBLISS. No objection.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

JOINT RESOLUTION ON DISAPPROVAL

Mr. GRASSLEY. Mr. President, I rise to speak on the resolution that comes before us disapproving the actions of the Department of Agriculture on the importation of Canadian beef into the United States. But in doing so, I do not denigrate the efforts that are being made to have a debate on a legitimate public policy issue, but to put it in context.

First, from the standpoint of my chairmanship of the Senate Finance Committee with jurisdiction over international trade, I think this is something for which we have developed policies over the last couple decades, where we have worked very hard to see that several rights can be preserved.

One, probably basic to this debate, is obviously the sovereign right of any country to make sure that it does not in any way allow products into the country that would in any way hurt the health and safety of the consumers of that particular country. I think every trade agreement takes that into consideration.

Within the last 10 or 15 years, we have worked very hard and have included in our trade agreements rules concerning sanitary and phytosanitary measures. These rules require that science, as opposed to political science, be the basis upon which we base decisions as to whether a product is safe to enter the U.S. market.

So I hope during this debate that we keep in mind that we do have commitments to rely on science when making determinations as to whether products are safe. Hopefully, each country respects that. Particularly the United States, being a leader in the rule of law in international trade, ought to do that. But we expect every country that comes under the WTO to do exactly the same, and the same holds with other trade agreements. We also, of course, reserve the right to make sure our food is safe.

For the debate we are in now, I hope we remember that if it had not been for mad cow disease in Canada, there would never be any such discussion before the Senate because over a long period of time we had imports of beef from Canada, and we have been exporting our red meat and other food products to Canada. So if we had not had mad cow disease in Canada, then we would not be debating this issue.

So when it gets to the issue of whether mad cow disease is an issue with Canadian beef coming into the country, then let's remember that decision ought to be made strictly on the sound science of whether that meat is safe. If we are going to make a political decision in place of a scientific decision as to whether Canadian beef should come into the country, then, of course, our

purity in international trade is going to be questioned by other countries.

The second point is that, during this very same period of time when we have been having this problem with Canada as to whether their meat is safe to come into the country, we have also been trying to negotiate with the Japanese because we had one mad cow case and the Japanese and other countries are not taking our beef. We have been working over the last several months to get Japan to take our beef based upon the principle that we are following the sanitary and phytosanitary rules, on a scientific basis, for making sure our meat is safe for the Japanese consumers. We do not want to get ourselves into a position where we are going to ignore the science of the safety of meat in Canada versus—

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. GRASSLEY. Madam President, I will finish one sentence, if I could.

Mr. CHAMBLISS. I am happy to yield the Senator an additional 30 seconds.

Mr. GRASSLEY. We do not want to get ourselves in a position of having the Japanese say to us our meat is not safe even though it is shown to be safe based on sound science. Since we want our beef to go to Japan because it is safe, then, obviously, if meat is safe coming in from Canada, it has to be received as well.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF AGRICULTURE RELATING TO RISK ZONES FOR INTRODUCTION OF BOVINE SPONGIFORM ENCEPHALOPATHY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 4, which the clerk will report by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 4) providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

The PRESIDING OFFICER. Under the previous order, there will be up to 3 hours for debate equally divided.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in opposition to the resolution and in support of the rule as proposed by the U.S. Department of Agriculture. I do this, first of all, with great appreciation of the efforts of my colleagues to bring this resolution forward. But I must encourage my colleagues to vote against this resolution.

This is not the time to pull the plug on a rulemaking process that is rooted in the best available science and, instead, to be guided by the concerns that seem to be less about science than about trade advantages.

The illustrious chairman of the Finance Committee went into great detail about the trade issues and the fact that the rule change is based on sound science. That is a lot of what I want to talk about initially this morning.

First, I think we need to understand exactly what the resolution seeks to disapprove of today. On January 4, 2005, the U.S. Department of Agriculture published its final rule regarding further reopening of the U.S. border for beef imports from Canada. This rule designates Canada as the first "minimal-risk region" for bovine spongiform encephalopathy, otherwise known as BSE. I will not try that long word again. We are going to call it BSE. It is due to become effective on this Monday, March 7, 2005. The original rule would have allowed bone-in beef from cattle of any age and live cattle under 30 months of age.

The U.S. Department of Agriculture conducted two rounds of public comment and received over 3,300 comments on the proposed rule. Over a period of months, USDA considered these comments, and responses were published with the final rule. The final rule establishes criteria for geographic regions to be recognized as presenting minimal risk of introducing BSE into the United States.

USDA utilized the OIE, which is the International Office of Epizootics, the international body that deals with animal diseases worldwide. Again, this will be referred to as the OIE. The USDA utilized the OIE guidelines, which recommend the use of risk assessment to manage human as well as animal health risks of BSE, as a basis in developing final regulations defining Canada as a minimal-risk country.

The final rule places Canada in the minimal-risk category and defines the requirements that must be met for the import of certain ruminants and ruminant products from Canada. Under the USDA definition, a minimal-risk region can include a region in which animals have been diagnosed with BSE but where sufficient risk mitigation measures are in place to reduce the likelihood of the disease's introduction into the United States.

On January 2, 2005, Canada confirmed its second domestic case of BSE, and a third case 9 days later. The USDA sent a technical team to Canada on January 24, 2005, to investigate Canada's adherence to the ruminant, ruminant feed ban. The results of that investigation were favorable, finding that the Canadian inspection program and overall compliance to the feed ban were good. The technical team's epidemiological report investigating possible links of the positive animals is still pending.

In response to this, on February 9, 2005, Secretary Johanns announced USDA would delay the implementation of that part of the rule allowing for older bone-in beef—that is beef in excess of 30 months old—because the technical team's investigation in Canada would not be complete by March 7.